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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/006,103

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Harold Y. Walker JR.

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01/23/2006

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(F/K/A WORKMAN NYDEGGER & SEELEY)
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EXAMINER

KANG, JULIANA K

ART UNIT

PAPER NUMBER

2874

DATE MAILED: 01/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/006,103	Applicant(s) WALKER ET AL.	
	Examiner Juliana K. Kang	Art Unit 2874	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11/7/05, 7/21/05, 4/5/05.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20, 33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-20, 33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1. The Petition under 37 CFR 1.137(b) filed on November 7, 2005 to revive the present application has been granted thus the request filed on April 5, 2005 for a Request for Continued Examination (RCE) under 37 CFR 1.114 along with the amendment filed on July 21 2005 is now acceptable and a RCE has been established. An action on the RCE follows.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: the reference number 21 for cam is not shown in any of the drawings. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the

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art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1-20 and 33 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The newly added limitation that the cam is formed via at least one bend introduces new matter. Even though the bent shape such as one shown in Fig. 6 bottom left is shown in the originally filed drawings, the method of making the cam by bending is not disclosed in the originally filed disclosure. Please note that the bent shape can be formed by different methods such as molding, carving or cutting.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-20 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chiu et al (U.S. patent 6,692,159 B2, previously replied upon).

Regarding claims 1-5, 7, 9, 11, 12, 14, 15, 17, 19 and 33, Chiu et al disclose a plurality of optical modules to be plugged into or removed from a cage (1000,

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receptacle) comprising a handle (3404, lever made of metal [see claim 10 of Chiu et al]) with an associated push tab that (3410) pushes the actuator (3408, ejector button) to slide and causing the ramps, wedges, or lifters (1308) to push out on the latch (1102) freeing (see Fig. 12) the triangle (1002, tab) from the opening (1102, slot) in the base of the cage (1000) to release the optical modules from the cage (see column 26 lines 34-67) (see Figs. 38A-38E). Chiu et al further show many different shapes of handle and pushing mechanisms to release the optical modules (see Fig. 39A-39I). Chiu et al disclose a cam (push mechanism, 341D' shown in Fig. 39D). However, Chiu et al do not explicitly states that the cam is formed via a bend provided along a length of the handle or the cam is provided by way of a bent portion formed integrally along a length of the wire handle. The cam (push mechanism, 3410D') shown in figure 39D appears to be bent upwardly and integral with the handle (3504D'). Even if the Chiu et al's cam is not formed integrally, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the cam integrally formed along a length of the handle, since it has been held that forming in one piece an article which has formerly been formed in two pieces and put together involves only routine skill in the art. Making two pieces into one piece would reduce manufacturing process thus reduces manufacturing cost. Chiu et al also do not use the term, wire handle. Nevertheless, the applicant does not provide the clear definition of the term wire and Chiu et al show the handle made of metal. Thus, Chiu et al's handle is considered as a wire handle.

Regarding claim 6 and 16, Chiu et al do not specifically teach that the ejector button (actuator) is configured from plastic. Applicant does not provide the critically of

having plastic for the ejector button, thus it would have been obvious to one having ordinary skill in the art at the time the invention was made to use plastic for the ejector button (actuator) in Chiu et al because it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice.

Regarding claims 8, and 18, Chiu et al teach the claimed limitations (see claim 6 of Chiu et al).

Regarding claims 10, 13, and 20, Chiu et al also teach locking the pluggable module into the case (see column 26 line 39-46).

Response to Arguments

7. Applicant's arguments, see pages 9 and 10, filed July 21, 2005, with respect to claims 1, 9, 10, 11, 19 and 20 have been fully considered and are persuasive. Thus, the objections of claims 1, 9, 10, 11, 19 and 20 under new matter issues have been withdrawn. The originally filed specification states; "a small wire handle 28 with a cam formed in one section" in page 9 in line 26. Also in page 8 in lines 10-11, in the originally filed specification states; "a handle 28 with an associated cam 21 formed in a first section 13 of pluggable module 10." Even though the term "a first section" is used to referred to a front section of the pluggable module (page 8 lines 10-122), one section mentioned in page 9 line 26 can be interpreted as one section of the handle. Thus, it appears that one with ordinary skill in the art would understand that the cam is either formed along a length of the handle or formed integrally along a length of the wired

handle. Thus the objections of claims regarding introduction of new matter is withdrawn. However, please note that the amendment filed on July 21, 2005 introduces different new matter issues as discussed above.

Applicant also argues that Chiu et al do not teach a cam via a bend in the handle. As described above, Chiu et al show the claimed limitation in Fig. 39D.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Juliana K. Kang whose telephone number is (571) 272-2348. The examiner can normally be reached on Monday through Thursday 8:00-2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rod Bovernick can be reached on (571) 272-2344. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JULIANA KANG
PRIMARY EXAMINER

Juliana Kang
12/29/05